

U.S. Serial No. 10/510,509
Examiner: Craig James Price
Art Unit No.: 3753
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Atty. Docket No.: C-7664-US

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REMARKS

The Declaration is indicated as being defective and Claim 10 is rejected under 35 U.S.C. § 112. Claims 1-4 and 9-13 are rejected under 35 U.S.C. § 102(c).

The residence information for inventor Barry Hague is provided herewith.

35 U.S.C. § 112

Claim 10 is cancelled which obviates this rejection.

Claims 9 and 10 are cancelled which require no further consideration.

35 U.S.C. § 102

Claim 1, as well as dependent Claims 2-4 and 11-13 are amended to define an eductor having a body with an inlet portion and a venturi structure spaced therefrom. A removable non-return valve is located in an air gap between the inlet portion and the venturi structure without removal of the air gap.

Smeller, et al. of record does not disclose this feature of a non-return valve positioned between an inlet portion and a venturi structure of an eductor which affords removal of the non-return valve without removal of the air gap. Instead it discloses a backflow preventer and mixer combination 50 which includes screw threads for connecting an air gap 52 or back flow preventer 52a to venturi section. This means that in order to change from an air gap operation to a non-return valve, the air gap 52 must be removed. In contrast, all that is required with applicants' device is insertion of the non-return valve 19 into the air gap structure positioned between the venturi structure and the inlet portion. Reconsideration of Claims 1-4 and 11-13 is requested.

U.S. Patent No. 6,240,983 of record suffers from the same deficiencies as Smeller, et al. It has no air gap operational mode which can operate independently of the non-return valve.

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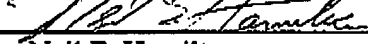
Accordingly, there is no disclosure of the conversion feature between the air gap operational mode and the non-return valve operational mode. Reconsideration of Claims 3, 4 and 11-13 is requested.

In view of the foregoing amendments and remarks, this application is believed to be in condition for allowance. If for any reason it is not in such condition, the Examiner is respectfully requested to call Applicants' attorney for a telephone interview.

The Commissioner is hereby authorized to charge any fees which may be due, or to credit any overpayments made, to Deposit Account No. 50-0231.

Respectfully submitted,

Dated: 29 August 2006

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